

State high court delays trial in Carnation killings

Opening statements in the death-penalty trial of Joseph McEnroe have been delayed at least a week as an attempt to introduce an insanity defense gets further consideration. McEnroe and Michele Anderson are accused of killing six members of Anderson's family in Carnation in 2007.

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The state Supreme Court has granted a temporary stay in the death-penalty trial of Joseph McEnroe, postponing opening statements by at least a week and potentially into early February in a case that has already taken more than seven years to get to trial.

Openings had been scheduled to begin Monday morning in King County Superior Court in Seattle.

McEnroe and his former girlfriend, Michele Anderson, are each charged with [six counts of aggravated first-degree murder](#) in the Christmas Eve 2007 shooting deaths of Anderson's parents, brother, sister-in-law, 5-year-old niece and 3-year-old nephew at the parents' home near Carnation.

A [16-member jury was selected](#) on Dec. 19 to hear the case against McEnroe, 36.

The same day the jury was chosen, McEnroe's defense team filed a notice of discretionary review, seeking the Supreme Court's review of an Oct. 31 ruling by Superior Court Judge Jeffrey Ramsdell that denied a defense motion to allow McEnroe to change his not-guilty plea to a plea of not guilty by reason of insanity.

Ramsdell had previously denied similar motions to allow McEnroe to change his plea, ruling that there wasn't a sufficient basis to allow it and that the defense had waited too long for such a change.

On Wednesday, the defense team — attorneys Katie Ross, Leo Hamaji and Bill Prestia — filed its motion for discretionary review on the plea issue. Two days later, the defense filed an emergency motion for a stay of trial proceedings until review is granted or denied on Feb. 3, or for an immediate stay of opening statements for a few days to allow greater argument regarding the stay, according to the Supreme Court's ruling that granted a temporary stay.

While the state opposes McEnroe's motion, King County prosecutors requested a stay of trial-court proceedings for one week to allow the Supreme Court time for careful review of the implications of McEnroe's motion for discretionary review, the ruling says.

“The jury trial is temporarily stayed for a period of one week, subject to further order of this court,” it says.

“We think the judge made the right call,” said Senior Deputy Prosecutor Scott O’Toole, but said the state agreed to the stay because it needed time to respond to the defense’s motion for discretionary review.

A conference call for the parties and the Supreme Court commissioner is set for Thursday. If the commissioner finds there is no merit to the defense motion, opening statements are likely to happen on Jan. 20.

But if the commissioner determines the motion might have merit, the stay could be extended until Feb. 3 for a panel of judges to decide whether to grant discretionary review.

The Supreme Court denied another defense motion — seeking discretionary review of a decision by Ramsdell not to pay jurors minimum wage — earlier this month.

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